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ABSTRACT

This paper presents findings of a study that examined 60 school board members' perceptions of school desegregation and other policies aimed at enhancing the educational attainment of minority groups. Interviews were conducted with school board members in 12 American cities--Atlanta, Georgia; Austin, Texas; Baltimore, Maryland; Green Bay, Wisconsin; Kansas City, Missouri; Minneapolis, Minnesota; Orlando, Florida; Pasadena, California; Providence, Rhode Island; Salt Lake City, Utah; San Jose, California; and Seattle, Washington. In general, the board members believed that mandatory two-way busing policies conform to Rawlsian justice precepts, but that they violate utilitarian, libertarian, and feminist principles of justice. Other strategies employed in the 12 cities to promote opportunities for minorities--voluntary one-way busing, closing predominately black schools, establishing sixth-grade centers, redrawing boundaries, reallocating resources, and enhancing resources in minority neighborhoods--also conform to certain justice precepts while violating others. A conclusion is that "administrative" and "market" policy processes are defective in making educational policy in this area because they are ill-suited to reconcile multiple justice concerns. The best policy process for enhancing minority educational attainment is a political one that is moderately comprehensive and deliberative, employs collaborative decision-making processes, and implements its decisions in ways that provide citizens with choices within well-defined constraints. (Contains 36 references.) (LMI)

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The Justice and Injustice of Alternative Approaches to School Desegregation: The Perceptions of School Board Members

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Abstract

The Justice and Injustice of Alternative Approaches to School Desegregation: The Perceptions of School Board Members

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This paper reports the perceptions of 60 school board members in twelve American cities regarding school desegregation and other policies aimed at enhancing minority educational attainment. In general, board members believe that mandatory two-way busing policies conform to Rawlsian justice precepts, but they violate utilitarian, libertarian, and feminist principles of justice. Other strategies employed in these cities to promote equal educational opportunities for minorities -- voluntary one-way busing, closing predominately black schools, establishing sixth grade centers, redrawing boundaries, reallocating resources, and enhancing resources in schools in minority neighborhoods -- also conform to certain justice precepts while violating others. The paper concludes that "administrative" and "market" policy processes are defective in making educational policy in this area because they are ill-suited at reconciling multiple justice concerns. It argues that the best policy process for enhancing minority educational attainment is a political one that is moderately comprehensive, deliberative, employs collaborative decision-making processes, and implements its decisions in ways that provide citizens choices within well-defined constraints.

The Justice and Injustice of Alternative Approaches to School Desegregation: The Perceptions of School Board Members

Paul Schumaker

Compensatory programs for persons suffering from past discrimination are currently under attack. While the media emphasizes the efforts of Republican congressmen and presidential candidates to dismantle affirmative action programs, a potentially more profound threat to compensatory programs may exist in the American public school system, where desegregation policies are being watered down and "voucher" or "choice" programs are being developed. One-third of all black students continue to attend schools that are overwhelmingly (greater than 90 percent) black (Orfield and Monfort 1988). Some progress has been made at integrating public schools since the 1960s, but (as Orfield concludes) most of this progress has been due to the role of the federal courts. In such recent cases as *Missouri v. Jenkins*, the Supreme Court has signaled its intention to reduce that role. On June 12, 1995, the Court ruled in a 5-4 decision that U.S. District Court Judge Russell G. Clark exceeded his judicial authority in imposing the nation's most costly and ambitious desegregation plan on Kansas City and the state of Missouri. By declaring that gaps in the educational achievements of blacks and whites were irrelevant to the question of continuing court supervision of desegregation efforts, by questioning the continuing obligation of the State of Missouri to finance educational improvements for black students in Kansas City, and by rejecting inter-district transfer of students, Justices Rehnquist, Scalia, Kennedy, O'Connor, and Thomas signaled to the more than two hundred school districts still under court supervision their limited commitment to school desegregation.

For advocates of "social justice" in urban America, this retreat by the Republican Congress and the Federal Courts poses the challenge of maintaining and developing compensatory programs at the local level. However, municipal governments have seldom been at the forefront of efforts to develop policies and programs that aid those who have been discriminated against historically or who are least advantaged economically and socially (Judd and Swanstrom, 1994). Because powerful private interests have long dominated local governments and because these interests have viewed compensatory programs as undermining the economic interests of the city (Peterson, 1981), urban housing, welfare, and educational programs aiding the disadvantaged have largely been financed by the federal government or imposed on local governments by federal courts and agencies. With such federal actors in retreat, the question facing advocates of social justice is how they can organize and develop coalitions at the local level that can generate enough political support to enact and implement various social-justice policies, such as policies providing "fair equal opportunity" educational policies for minority students.

This paper explores a broad range of policies that have been proposed and often pursued to improve minority educational opportunities. The

proposals and policies described and analyzed are those presented to me in a series of interviews, conducted during the spring and summer of 1993, with elected officials in twelve American cities. During these interviews, over half of the school board members that I interviewed volunteered stories about school desegregation initiatives and/or policies. These stories provide the primary data base for the brief histories given in Part I of desegregation efforts in the twelve cities. These stories and the interviewees' responses to my inquiries about their support for these efforts also provide data regarding their perceptions of the fairness -- the justice and injustice -- of various approaches taken to provide fair equal opportunity in education for minority students. Part II summarizes these perceptions. Here I point out that among urban officials there is broad, almost consensual, support for compensatory policies, but that such support does not extend to mandatory busing programs to achieve racial balance in each school. I also point out that there is broad, almost consensual, support for providing parents with "choices" regarding the school that their children will attend, but that such support does not extend to voucher systems in which parents are allowed choices that mimic marketplace allocations. In philosophical terms, this means that board members reject justice approaches that are purely Rawlsian or purely Nozickian. In the minds of urban officials, justice cannot be reduced to a single precept -- whether that precept be to follow the strongly egalitarian principles of John Rawls (1971) that could imply mandatory busing or the strongly libertarian principles of Robert Nozick (1974) that could imply the use of vouchers.

In Part III, I attempt to draw out some implications of the multiple conceptions of justice that must be considered in this policy area. Because justice cannot be reduced a single egalitarian principle, command-and-control policy making processes -- such as court-ordered mandatory busing -- incur great opposition due to their ineffectiveness at incorporating alternative justice concerns into a comprehensive fair equal opportunity educational plan. Because justice cannot be reduced to a single libertarian principle, market-mimicking policy making processes -- such as voucher proposals -- incur significant opposition due to their ineffectiveness at addressing those justice concerns that people have beyond giving them as much freedom of choice as possible. The best policy making process to adopt when people have a wide variety of justice concerns is a political one involving features of pragmatic liberalism (Anderson, 1990) and regime politics (Stone, 1989). In such a political process, inferior educational opportunities for minorities are widely recognized as a social problem that violate the consensually-endorsed principle of equal opportunity. Various community leaders and organizations wish to address (or can be enticed to address) this problem by becoming part of a coalition that develops a comprehensive plan and that has the power to secure the adoption and implementation of the plan. Because such a plan must be adopted by democratically-elected school board members, it is essential that the coalition be extensive and able to secure the support of many groups and interests in the community. This requires that the coalition involve groups holding different, often conflicting, justice principles. Only through an extended process of discussion, negotiation, and compromise is it possible for the coalition to devise a plan that most groups will regard as incorporating their justice concerns. It is unlikely that these plans will include either mandatory busing or unfettered choice, but will rather involve a package of policies -- perhaps including some busing and some parental choice -- that represent genuine efforts to address the social problem of inferior educational opportunities for minorities.

I. Desegregation in Twelve American Cities

As part of a broader study of urban justice (Schumaker and Kelly, 1994), I interviewed 119 urban elected officials in twelve cities: Atlanta, Austin, Baltimore, Green Bay, Kansas City, Minneapolis, Orlando, Pasadena, Providence, Salt Lake City, San Jose, and Seattle. These cities were selected to try to capture the diversity of urban life in America. Beyond obvious regional variations, these cities differ greatly in their racial and ethnic composition -- ranging from almost all entirely white communities (Green Bay and Salt Lake City) to cities that have strong black majorities (Atlanta and Baltimore), substantial Hispanic populations (Austin and San Jose), and a large number of Asian-Americans (Seattle). The cities are generally in the 100,000 to one million population range -- large enough to comprise major urban centers yet small enough to allow travel from one interview to another in a reasonable amount of time. Of course, no claim is made that these cities constitute a random sample of American cities, but they contain sufficient variations in their social, economic, and political characteristics and in their approaches to school desegregation to suggest both the consensus and the divergence that exist in the justice concerns of policy makers in this area of educational policy.

Interviews were sought with about five or six city council members and another five or six school board members in each city. After obtaining lists of persons who had served in these capacities since 1980, I simply proceeded to call at random persons who were on these lists, asking them if they would be willing to participate in two-hour long interviews concerning the distributive aspects of policy making. Depending on the availability of potential interviewees and the logistics of getting from one interview to another, between ten and twelve interviews were scheduled in each city. Thus, the sample is composed of the first ten or twelve people who agreed to the interviews. A total of ten interviews had to be canceled because of conflicts that developed in the schedules of those who had earlier agreed to participate in the study.

There were three parts to the interviews. In the first segment, respondents were asked to "tell me at least one story about issues, policy areas, or cases that arose while you were in office that exemplified issues of fairness or justice as you understand these terms." Respondents sometimes offered as many as five stories, but the average number of stories per respondent was less than three. Most of the "data" for this paper are drawn from these stories and interviewees' responses to my queries about their stories. In the second segment, respondents were asked to react to 21 different principles of justice, distilled from the theoretical literature, though often restated in relatively simplified fashion. Here they were asked to indicate their general degree of support for each principle, to indicate why they approved or disapproved of each principle, and to indicate the kinds of decisions where each principle was most applicable or inapplicable (Schumaker, 1994). While I do not describe these data in detail here, some findings from this part of the interview are given in support of my analyses and interpretations provided in Parts II and III below. In the third segment of the interviews, respondents were asked about their backgrounds and broader political and ethical orientations. For example, respondents were asked to indicate their top concerns as urban officials; interestingly, over 90 percent of the school board

members mentioned various equity matters and 63 percent referred specifically to redressing racial inequalities in their schools. As another example, respondents were asked to indicate on a ten-point thermometer scale the overall importance of justice principles in their thinking about educational decisions. While city council members on average said that justice rated 7.7 in overall importance, school board members on average said that justice rated 8.1 in overall importance.

This paper draws from the interviews with the 60 persons who had served as school board members. In this subsample, 46 persons were white, 10 black, three Hispanic, and one was an Asian-American. Women comprised half of the subsample. Sixty-three percent of these people identified themselves as Democrats and 22 percent as Republicans. More respondents identified themselves as liberals (36 percent) than conservatives (20 percent), and many respondents preferred to give themselves other labels such as being "a moderate" (18 percent), "a fiscal conservative but a social liberal" (8 percent), and "a radical" or "a socialist" (10 percent). On average, the respondents had completed one year of formal education beyond a bachelor's degree, had lived in their communities 32 years, and had held public office for almost eight years. Thirteen (22 percent) were still in office at the time of the interviews, and 75 percent had served within the last five years.

Of these 60 persons, 32 presented a desegregation issue or incident as one of their stories. Overall, 19 percent of the stories provided by school board members concerned school desegregation -- easily the most discussed policy area among this subsample. Fifty-seven percent of minority school board members in the sample provided a desegregation story, compared with 52 percent of the white school members, suggesting that desegregation was only slightly more salient to minorities than to whites. No one in Baltimore, Orlando or Green Bay offered a segregation story, while at least two interviewees in each of the other cities did offer such stories. The different desegregation stories told by persons within the same city only partially overlapped one another, as different persons often focused on different eras and on different aspects of the pursued policies. However, on only a few occasions did the stories yield factual discrepancies, suggesting that -- as sources of historical information -- stories can be reasonably illuminating (Van Maanen, 1979; Hummel, 1990). Somewhat more frequently, the different stories told by persons about the same proposals and policies incorporated different evaluations of their fairness and effectiveness, suggesting that eliciting stories can be very useful as a methodological tool to understand people's core values and belief systems (Martin, 1982; Polkinghorne, 1988; Schank, 1990). In any event, the following brief histories of school desegregation efforts in our twelve cities were distilled from these stories.

Atlanta, GA. Like many southern cities, Atlanta ended *de jure* segregation in its public schools during the 1950s, following the Supreme Court's historic *Brown v. Board of Education* ruling, but its schools, which were over 50 percent black, remained largely segregated throughout the 1960s. However, in 1968, the Court ruled in *Green v. Country School Board of New Kent County* that southern school districts must go beyond eliminating school segregation laws and adopt desegregation plans resulting in schools that were no longer identifiable as "black schools" or "white schools" (Orfield, 1978: 13-14). This decision gave impetus to the Atlanta chapter of the NAACP to bring suit against the Atlanta school district, and the suit prompted those

running the school system to meet with various minority groups to develop a plan that resulted in an out-of-court settlement.

The plan, which has remained in effect for the past 25 years, involves voluntary but not forced busing, magnet schools, mandatory teacher transfers, affirmative action hiring of black administrators, and compensatory funding of schools located in the most heavily black districts of southern Atlanta. During the mid-70s, the Board of Education made a concerted effort to allocate larger shares of funds to schools with the most blacks and the most poor students. Magnet schools -- schools having additional resources and attractive specialized curriculums in math and science, languages, and the arts -- were built in southwest Atlanta and other predominately black areas. The magnets in minority neighborhoods failed to attract white students; they continued to enroll in private schools and move to the suburbs, leaving Atlanta with a school district that is now 95 percent black. However, black students often took advantage of their option to be bused to various schools in more white areas, resulting in some increases in racial balance.

According to our interviewees, the programs that have most enhanced black educational opportunities in Atlanta during the past 25 years involved the hiring of black administrators (due to their sensitivity to minority issues) and the reallocation of funds -- for example, for equipment, maintenance, and special programs -- in ways that enhanced previously underfunded schools in predominately black neighborhoods. The program that was regarded as least effective in terms of improving minority education was the mandatory teacher transfer program. According to interviewees, the major problem with this program was that many white parents feared that some black teachers were insufficiently competent to challenge their children, contributing to white flight from the district.

Pasadena, CA. In 1971, Pasadena became the first school district outside of the deep south to have a desegregation plan imposed upon it by a Federal District Court. Pasadena had a long history of segregation laws, and even through the 1960s, its Board of Education had engaged in a variety of practices that contributed to a highly segregated school system. These practices included gerrymandering the boundaries among schools to further racial homogeneity and refusing to shift minority students into underutilized schools in white neighborhoods. As a result of such practices -- as well as residential segregation -- the Pasadena school district contained a number of schools in its northwest area that were largely (more than 90 percent) black. Meanwhile, most whites -- who comprised about 60 percent of the 22,000 students in the system at the time -- attended nearly all-white schools in other parts of the city.

Constrained by the Court to devise a plan in which no school in Pasadena contained "a majority of a minority," the Board of Education at that time devised the Pasadena Desegregation Plan having the following major elements. First, each elementary school in the northwest part of the city was paired with another elementary school outside of it, so that one school in the pair became a K-3 school for all students within the boundaries of the paired schools while the other school in the pair became a 4-6 school for the same group of students; thus, each student in the paired schools was subject to mandatory busing for half of their years in elementary school. Secondary schools met the "no majority of a minority" criteria by having mandatory

assignments that took students' race into consideration, by redrawing boundaries each year to approximate the desired racial balance, and by busing some 7-12 students. Secondly, resources were reallocated among schools in a compensatory manner. Whereas schools in the northwest had previously been given, for example, old texts and assigned less experienced teachers, such schools now were placed at the top of priority lists for maintenance and renovations, given parent-teacher aids who effectively reduced student teacher ratios, and received the lions' shares of both Federal Title One funds for programs benefiting at-risk students and State compensatory and bilingual education funds.

These changes triggered resistance in the white community, which elected persons to the school board who sought to ease the effects of desegregation. By the mid-70s, The Board of Education had begun to develop "fundamental schools," containing very traditional curricula, imposing dress codes, and generally appealing to the values of the white conservative parents. The Pasadena Desegregation Plan did not contain magnet schools, but the fundamental schools could be regarded as a kind of magnet school, open to students of all races and thus potentially a tool to enhance integration. However, the reality -- according to several board members -- was that the fundamental schools were widely regarded as "a haven for Anglo students" who were, for the most part, leaving the district. Supporters of integration resented the creation of the fundamental schools, viewing them as effectively giving whites the opportunity "to develop private schools with public money." The presence of fundamental schools gave many whites the "choice" of opting out of an integrated school experience.

By 1980, the overall racial composition of Pasadena Schools had changed dramatically, with over half of the white students leaving the district, replaced not by blacks but by Latinos and, to a lesser extent, Asian-Americans. At this time, the school district was relieved from Court supervision. During the 1980s, a variety of changes were pursued to further alleviate the effects of desegregation and to keep whites in the district. First, the criteria used to designate acceptable racial mixes were changed to allow schools to have greater concentrations of blacks and, especially, Latinos. Second, school boundaries were no longer redrawn annually, reducing instabilities in the assignment of particular students. Third, by request whites could be reassigned from northwest schools to other schools, if the preferred school had space, if students provided their own transportation, and if their reassignment did not adversely affect achievement of the more relaxed racial balance standards. Although some blacks living in the northwest area continued to be bused to other sections of the city, such transfers were more limited than previously and were done primarily to reduce overcrowding in the northwest schools.

Such events have prompted the strongest supporters of enhanced minority educational opportunities to view the racial mix of schools as much less important to their goals than compensatory funding. Now, their main goal is not to bus students but to increase (or at least maintain) federal, state, local, and even private funding for special programs and enhancements in schools with large minority populations. For example, they have proposed that an equity fund be created whereby 20 percent of all private contributions and donations (which typically have been targeted to white schools) be

withheld from these schools and redirected toward those minority-dominated schools having less access to private gifts.

San Jose, CA. Prior to 1970 San Jose was less segregated than Pasadena, but its "downtown schools" were primarily attended by minority students and its predominately white "southern schools" were perceived as having better facilities, better teachers, and stronger curricula. As a consequence, a class-action segregation case was filed in 1972. Although state courts and a Federal District Court ruled in favor of the school district throughout the 70s, the district initiated some policies -- including the development of magnet schools and the enlargement of special programs for at-risk students -- to reduce racial imbalances and inequalities. However, these policies failed to improve significantly the racial mix among schools in the system.

In 1986 a Federal Appellate Court ordered both the plaintiffs and the school board to devise desegregation plans to remedy the problem. Ultimately, it imposed a program that required each school in the district to reach various levels of racial integration over a five-year period, at levels and rates that were closer to the stringent goals of the plaintiffs than to the more lenient standards urged by the Board of Education. It also required the district to further integrate the administrative and teacher staffs. While the Court's order clearly favored the goals of the plaintiffs, it permitted the district to approach these goals through means favored by the Board of Education. It approved the further development of magnet schools. It allowed the district to develop a variety of other "carrots" -- such as after-school day care in downtown schools -- to recruit whites into schools in minority neighborhoods. Most importantly, it allowed the district to incorporate extensive parental choice into the assignment of students. Parents were asked to name their first, second, and third choices for the assignment of their children. The district then considered these choices when assigning students in such a way as to meet the racial quotas required by the Court. Perhaps because they developed effective inducements or perhaps because of sheer luck -- "God was on our side," as one interviewee put it -- the district was able to achieve the racial mix on the schedule demanded by the Court while still giving over 95 percent of the parents their first choice. Certainly, compensatory funding -- especially attaining state and federal funds for new programs in the magnet schools -- contributed to this result.

While most school board members expressed satisfaction with this outcome, they nevertheless felt that those who were bused to schools that were their second and third choices suffered the injustices of the plan. These persons were primarily of two types. First, they were disproportionately minorities: blacks, Hispanics, and Asians. Second, they were largely persons who had moved into the district after May, when initial assignments were made, and whose assignments were much more constrained by the racial quotas established by the plan. The Board also had sibling and continuation policies that were intended to minimize parental inconveniences (such as having children within particular age groups at different schools) and insecurities (such as the fear that their child might be transferred out of the school of their first choice in subsequent years). While these policies helped to minimize opposition to the plan from established families, they exacerbated the need to have newcomers to the mobile San Jose population bear the brunt

of the involuntary assignments that were necessary to bring the district into compliance with the racial goals of the Court.

Minneapolis, MN. During the 1960s, minorities comprised about 25 percent of the students in Minneapolis' public schools, and they were mostly racially separated into neighborhood schools. As a result, in 1971 a Federal District Court ordered the school board to develop a desegregation plan and report to the Court every six months. Working extensively with various parent groups, the Board of Education developed the following program. It "decentralized" the district, carving it into three subunits that were racially balanced. Within each subunit, a variety of alternative elementary programs -- Montessori, Continuous Progress schools without grading, open schools, Spanish emersion programs, and so forth -- were developed and offered to parents to attract them to schools outside of their immediate neighborhood; such programs were often supported by federal and state aid. A building plan was developed and implemented that resulted in renovated and new schools in lower income areas. Where predominately black and predominately white elementary schools existed adjacent to one another, they were paired to facilitate developing two integrated schools: one K-3 and one 4-6. Magnet schools, which often involved businesses providing support for vocational programs, were developed at the high school level. Parents were then given three choices of where they wanted their children assigned within their subunit. Workshops and seminars were offered to help parents understand the plan and make informed choices. In order to achieve racial balance within each school, parents did not always receive their first choice.

According to our informants, this "choice" element of the program was relatively successful and reduced resistance to the desegregation plan as a whole. Discontent was also weakened by having the subunits, which eliminated "cross-town" busing and shortened bus rides to less than 45 minutes. The extensive evaluations that were done of the plan revealed some white flight (minorities now constituted 52 percent of the students in the district), but they also showed reasonable levels of parental satisfaction and indicated improved standardized test scores for minority students. In 1985, Court supervision of the plan was terminated, but the district continued the plan's basic features and the schools remained integrated. At that time, the state legislature began developing a pioneering choice-based system that allowed students to transfer to public schools outside of their own district (with state funds traveling to the receiving school). Because Minneapolis' desegregation plan was approved by the legislature, it could refuse requests from white parents to transfer out of the district -- a provision intended to help stem white flight from the district and keep it integrated (Henig, 1994: 112).

Providence, RI. Too desegregate its schools, Providence practiced one-way busing during the 1970s; black students were transported to white schools. However, the State Department of Education has ordered the school district to develop a new desegregation plan. Although the interviewees did not provide as many details about this plan as were provided in other cities, it seems that the plan was developed during the mid-80s and basically incorporated the "choice" elements that were used in San Jose and Minneapolis. District-wide magnets were created to attract students to various specialized programs in schools outside of their neighborhood, and parents were given opportunities to request the school of their choice. However, the

plan has not escaped turmoil because of Board difficulties in resolving two conflicting pressures. On the one hand, it has sought to satisfy the demands of the Department of Education to achieve racial balance in the schools. On the other hand, it has sought to prevent the exodus of white students from more affluent families into private schools, a problem that has become viewed as increasingly urgent as minorities approach three-fourths of the students in the district. To slow white flight, the district has, according to one black board member, created various inequalities benefiting whites ; they have re-routed buses to shorten travel times for whites at the expense of blacks, and they have distributed personnel, equipment, and "the tools of the trade" unequally among the schools. Such unequal distributions are said to work to the advantage of affluent whites who are more informed and alert to the way the system works. They can take advantage of the system's "first-come, first-serve" policy of processing student (or parent) choices. Nevertheless, other members contend that busing has, overall, prompted the Board to make more equal distributions of school resources across the various neighborhoods. Presently, initiatives are under way to create clusters of schools offering various educational opportunities within subunits, as in Minneapolis. It is hoped that such clusters will reduce busing costs and enhance parental involvement in schools that are more neighborhood-based.

Seattle, WA. In 1974, Judge Arthur Garrity ordered the Boston schools to implement the largest two-way mandatory busing plan required of any American city (Taylor, 1986). The boycotts, violence, and school board resistance that accompanied the Boston controversy created fears among school boards across the nation about having desegregation plans imposed by the courts on their communities. In this context, a number of school districts -- including that in Seattle -- choose to develop their own desegregation plans. During the middle 70s, blacks, Asians, and (to a lessor extent) Hispanics constituted 25 percent of the Seattle school population, but they were largely segregated into schools in the central and southeastern parts of the city.

To address this situation, the Board of Education worked in cooperation with city officials, business leaders, and leaders of various minority to implement the following plan. First, a number of schools were identified as "minority-impacted" (if 40 percent of its students came from a single minority or if a school's total minority population was 20 percent greater than the district-wide average). Second, each minority-impacted school was paired with one (or in some cases two) white-dominated school(s) to create a new racially heterogeneous, but noncontiguous, district. Students in grades 1-3 throughout the new district were sent to one of the schools while those in grades 4-6 were sent to the other school. Although aggregate racial characteristics of neighborhoods were used to create the districts, the plan envisioned "color-blind" implementation because the race of particular students was irrelevant to their assignment; for example, black students living in white districts were bused along with their white neighbors into southeastern Seattle, if they lived within the boundaries of paired schools. This ensured that all students within a neighborhood were treated the same. The new districts were retained for purposes of assigning students to junior and senior high schools. Thus, all students in a paired school district would be assigned to a particular junior high in southeastern Seattle and then to a particular senior high elsewhere (or vice versa). It was argued that such elements created stability and equity, as students would continue to go to school with their elementary classmates of both races throughout junior and

senior high school, and they would spend half of their school years in neighborhood schools. Third, the plan contained a modicum of choice, as parents could request transfers to schools with special programs (although these programs were not extensive enough to qualify as components of "magnet schools"). Such requests were normally approved, unless approval jeopardized the racial goals of the plan.

The plan was only a partial success as subsequent board members perceived certain injustices with it. First, not all schools participated in the pairing and triading that created the new districts. More often than not, the minority-impacted schools in the southeast were paired with white schools in the southwest; according to one person, some of the schools in the more affluent and white northern part of the city "literally did not send any kinds anywhere at all." Second, white and affluent families were most likely to know how to take advantage of the "choice" element in the plan and avoid being bused; as a result, there was much more busing of blacks out of the southeast than of whites into it. Third, the plan contributed to white flight from the Seattle schools generally, as the total district was transformed into one having 25 percent minorities to one having 55 percent minorities.

Such difficulties led to the gradual transformation of the plan, as efforts were made in the 80s to introduce more and more choice for parents. By the early 90s, parents were asked to provide three choices, which administrators would take into account in making assignments. The levels of racial mixing that were deemed necessary for each school were also reduced so as to facilitate honoring these choices. Despite these concessions, some school board members have sought even greater choice. They propose providing equal facilities and equal funding for all schools throughout the district, and then giving all parents unfettered free choice as to where to send their children.

Austin, TX. Austin is a tri-ethnic community, with Anglos living primarily on the west side of town, blacks living primarily on the east side, and Hispanics also living disproportionately in their own neighborhoods on the east side. During the 1970s, the school district made some efforts to enhance integration. While allowing K-5 students to continue to attend (largely segregated) neighborhood schools, they designated certain schools as 6th grade centers that would be extensively integrated. Busing -- primarily of minority students -- also was used to create more integrated high schools than residential patterns allowed. Such programs failed to satisfy black and Hispanic civil rights such as MALDEF (the Mexican-American Legal Defense of Education Fund), who filed a discrimination suit against the district.

After ten years of litigation, a Federal District Court ordered Austin to create a cross-town busing program in 1980. The plan that was developed and implemented was once again the pairing of noncontiguous schools on the east and west sides of town, with students bused to a school on the other side of town for half of their school years. Austin did not have a large number of private schools to which Anglos could flee, and so the plan did achieve racial balance in the schools. And it accomplished an extensive reallocation of resources. One Hispanic board member claimed, "Things started happening in east Austin. Schools there began to get new paint, carpeting, and air conditioning. Their libraries were expanded. Good teachers were reassigned into schools on the east side. Even parent volunteer aids and PTA funds began to follow the white

students who were bused from the west to the east side of town." White board members acknowledged that these changes occurred because white parents now began demanding the infusion of greater resources into the east side. Several respondents seem to agree that by 1986, Austin schools became roughly equal in most ways save one: the prejudices of teachers. According to a white board member, the following situation typically emerged in the elementary schools in eastern Austin (after Ross Perot led a state-wide reform requiring a 22-1 student-teacher ratio in all elementary schools). Fifteen minorities would be combined with seven Anglos, with an Anglo mother being in the classroom to help the teacher. The presence of the Anglo mother prompted the teacher to focus primarily on the Anglo students who typically formed a triangle in front of the teacher.

Such perceptions of the implementation of the program, of course, contributed to opposition to it. In the white community, there was not only resentment about busing generally but also resentment over who was bused where and when. According to one board member, the persons on the board who devised the plan managed to protect their own children very well; "their high schools were untouched, and the elementary pairings were arranged so that their kids stayed in western Austin during kindergarten and through third grade." The black member of the board was particularly concerned about "the itty-bitty" black kids who had to ride buses to schools on the west side -- rides that became longer and longer as Austin expanded and traffic became more congested during the economic and population boom that Austin experienced during the 80s.

After seven years, a newly elected board proposed "a deal" to eliminate mandatory busing. They offered to create "priority schools" on the east side, the primary benefit being lower student-teacher ratios. These 15-1 ratios essentially meant that the white students (and the volunteer white parents) would return to their neighborhood schools in western Austin. The priority schools were also given assurances that they would retain full-time librarians, student counselors, parent coordinators, and other personnel despite reductions in enrollments. Two priority schools received new buildings, while others were promised additional repairs. The supply budgets of the priority schools were doubled. Such inducements approximated what the black community in Austin originally sought in their suit against the school board, and the only black on the Board of Education joined the white members in voting for the plan (while the two Hispanic members opposed this "deal"). As a result, the Court accepted the new plan, and the Austin schools have become "resegregated."

Kansas City, MO. In 1977, a group of black students in the Kansas City school district filed a suit against the district and the state of Missouri, claiming that their policies had contributed to unequal educational opportunities for minority students, who constituted over half of the students in the district at that time. In 1984, District Court Judge Russell G. Clark found the State of Missouri and the Kansas City school system guilty of "a century of discrimination" against blacks. To remedy the problem, a plan was developed that centered on developing magnet schools that would attract suburban students into the Kansas City district. The plan required the State of Missouri to help fund the upgrading of school buildings, the costs of busing suburban students to the KC magnets, increases in teacher salaries, and various educational "enhancements" such as full-day kindergartens, after-school

programs, and reduced class sizes. In 1990, the U.S. Supreme Court also permitted the school district to raise taxes without a public vote to remedy segregation. By 1995, the State of Missouri had shelled out over $1 billion to upgrade the schools, while local citizens had paid an additional $500 million in taxes to finance the plan.

While the full effects of the plan are still being argued, no one doubts that the facilities and programs available to minorities in KC have improved considerably. About one thousand white students who live in the suburbs have also been attracted to the magnet schools, but even Judge Clark has rejected some of the more expansive elements of the magnet program as simply being too expensive. Some blacks also have become disillusioned with the program. According to one black school board member, "the basic premise of the program is that the best way to guarantee a quality education for black students is to draw white students back into the district; this premise is flawed." His perspective is that the program over-emphasizes reclaiming whites, often at the expense of black preferences and empowerment. For example, the magnets have specific racial mix targets that mean that blacks are turned away because of their race. Additionally, the rhetoric surrounding the program has conveyed to black students that their success depends on involvement with whites.

The presence of millions of dollars in construction contracts to rebuilt schools has also raised an issue that has polarized the city: who gets the contracts? Minority members argue that years of discrimination have disadvantaged minority businesses, justifying "minority set-asides" as the board considers construction bids and awards contracts. Most white board members, however, fail to see why current black firms or workers should be advantaged for the sins of the past, and they wish to use their scarce resources for educational purposes rather than to aid black contractors. The need to compensate property-owners on land where new schools have been built has raised a related justice concern: have blacks and whites been compensated equally in eminent domain acquisitions? While such compensations are determined by the market value of land, blacks point out that such values are distorted by racism. Cases were brought up where black families lived in comfortable and even high quality homes on land designated for a new school, but because their property was in minority neighborhoods, its market value was reduced, and these families were often not "made whole" in the relocation process.

Thus, the fairness of the desegregation policies in Kansas City remains controversial. Most people in Kansas City resent Court oversight of their schools and want control returned to local officials, a prospect that will undoubtedly be accelerated by the Supreme Court's rebuke of Judge Clark and his plan last June. Many citizens of Missouri believe that adequate compensation for past discrimination has been provided, and approve of the Supreme Court's calling into question mandatory state financing of various elements of the program. Some blacks believe that the solution to black educational opportunities will be found not in white-oriented magnet school programs but in changes in the curriculum that speak to blacks already in the schools; only by emphasizing black history and other aspects of a multicultural curriculum might black students become excited about education, reducing black dropout rates. Nevertheless, criticisms remain relatively muted about the central feature of the plan -- improving the schools

throughout the district and giving parents choices as to which school their children attend.

Salt Lake City, UT. During the early 1980s, the student population in Salt Lake City declined appreciably, causing the Board of Education to consider closing several schools and redraw boundaries among them. The fact that low-income and minority students were distributed unequally throughout the city prompted the Board to attend to the racial and class mixes produced by different boundary plans. The particular problem was that most of the minority students -- who constituted 20 percent of the students in the district -- attended or would attend South High (although East High contained 12 percent minority students as well). After a bitter battle that divided the community, the Board narrowly adopted in 1982 a set of boundaries that achieved a distribution of black and low-income students across the schools that more closely approached "numerical equality" than even the rabid supporters of "class and race justice" envisioned. However, four years later, the State Legislature passed an "open enrollment" bill that permitted parents to send their kids to whatever school in the district they wished. While this outcome disappointed proponents of racial and class integration, they took satisfaction in the fact that many families continued to send their children to the schools to which they had been assigned using the restrictive 1982 boundaries. And they noted that the district has still not resolved problems of unpredictability that accompanies an open enrollment or "choice" system.

Providing minorities with equal educational opportunities clearly has been and remains an important issue in Baltimore, Orlando, and Green Bay, but none of the school board members in these cities offered stories that specifically dealt with this issue. In **Baltimore**, where blacks constitute the overwhelming majority of students, the primary equal opportunity issue involves the overall underfunding of schools in the City of Baltimore compared to its suburbs. According to the Board President, Baltimore spends $50,000 less per classroom than do, on average, other school districts in the metropolitan area, yet it is these classrooms that contain the most at-risk kids requiring greater rescues. In this context, school officials in the city pursue school finance reform at the state level to equalize resources available to affluent and impoverished districts, and they seek administrative innovations -- such as contracting out the delivery of school services to private educators -- that hold the potential for greater educational returns on the limited dollars that are available.

In **Green Bay**, there are very few black families, and so the question of minority educational opportunities focuses on the modest number of Native-American, Hispanic, and Mung students who are concentrated in the downtown schools. Board members recognize that these schools contain the most at-risk students while the schools on the outskirts of town have the better facilities and most resources. However, according to board members, the imposition of a freeze on property taxes by the Wisconsin State Legislature and the failure of the Governor to follow through on a promise to enhance state funding of the schools has made it difficult to address the problem. While there is some support for substantially increasing the number of teachers in the minority-impacted schools and for providing more bilingual instruction where needed, the board has been able to do little more than provide an extra staff person to these schools, to be used at the discretion of the principal.

In **Orlando**, where 30 percent of the 110,000 students in the public schools are minorities, the issue of inequalities among the schools has been discussed, though seldom in explicitly racial terms. There is a broad understanding among school board members that injustices arise because new schools in the rapidly expanding and more affluent parts of the community incorporate the newest and best facilities available, while the schools in the central city make do with their older buildings and dated equipment. Several board members also acknowledge that specific issues arise that prompt them to defend competing distributive principles: some members have defended providing more educational goods in the most affluent areas because such areas contribute most to the property taxes that sustain the system; other members have defended equal spending across schools in the district; and still others -- particularly the black member of the board -- argue for higher expenditures in those schools having the most low-income, minority, and at-risk students. While this compensatory principle has been generally accepted in the other cities in our study, it has not been adopted in Orlando, at least as an official policy of the Board of Education.

II. The Justice of Alternative Approaches as Perceived by School Board Members

When conducting the research for this study, every school board member with whom I spoke endorsed the idea of equal opportunity in education. However, members interpreted this idea in various ways. A few suggested that it meant colorblind treatment of all students -- that elimination of discriminatory practices and the creation of equal facilities in all schools under their jurisdiction were sufficient to provide equal opportunity for minority (and white) students. Most suggested, however, that the history of discrimination and the realities of a host of social disadvantages requires compensatory policies that favor minority students (Schumaker, 1994: 33-35). Moreover, proponents of "fair equal opportunity" (Rawls, 1971: 65-75) disagree about the policies that most effectively and fairly produce such equal opportunity. In this section, I review the policies that have been adopted or proposed in our cities, and summarize the perceptions of urban officials regarding the fairness or unfairness of them.

Behind the specific policies adopted, however, lie two issues that were seldom explicitly articulated by the interviewees yet clearly were central to their thinking about the achievement of racial justice in the schools. First is the issue of what are the most important "goods" that are at stake and thus should be the focus of attention in distributive decisions. Many board members (and judges) seemed to think that "the good" was primarily racial balance and thus the focus of their attention was on whether all schools had (relatively) equal percentages of white and minority students. Initially, some people thought this good was important because it would contribute to greater racial understanding and tolerance and thus social harmony; while many board members continue to embrace the hope of racial harmony, the years of turmoil that accompanied the most expansive desegregation plans made it difficult to sustain the belief that policies that mandated racial balance contributed to it. Additionally, as some board members began to think more deeply about the good of "racial balance," they began to recognize that its pursuit implied that white students were the most important good, else why all the emphasis on distributing them equally. And the further implication was

that minority students were the greatest "bad" to be distributed equitably as burdens on others throughout the school system. Such realizations made many school board members uncomfortable with the notion that racial balance was the greatest good to be sought in their desegregation plans.

Some members thus began to regard racial balance as a means to other goods and not as a good in itself. According to this increasingly dominant view, racial balance is a good insofar as it creates a situation where whites are vulnerable to being the recipients of inferior schools and will no longer tolerate unequal funding and other supports across schools. Simply put, if *Brown v. Board of Education* declared that separate schools were inherently unequal, then it followed that racially integrated schools brought about political pressures to put equal educational resources in all schools. This emerging focus on equal resources, rather than on racial balance, as the good to be sought hardly produced agreement among officials as to what justice requires. The question now became: what resources should we try to distribute (more) equally? building facilities? equipment? good teachers? student-teacher ratios? black administrators? library funds? after-school programs? The list has no limit, and different people simply have different "tastes" as to which of these resources are most valuable and thus most deserving of emphasis. Given the different values attached to these resources, people also disagree about the justice of trade-offs involving these resources. For example, is a policy that requires 90 minutes on the bus a just exchange for attending a building with better facilities? Desegregation policies involve many such trade-offs, and disagreements about their fairness were unavoidable.

Still other conceptions of the good to be sought in school desegregation cases focused not on the distribution of resources but on the distribution of outcomes. For some people, a fair outcome requires that minorities and whites graduate at the same rate and that they attain equal scores on standardized tests. By focusing on the equal distribution of such goods, it became possible to justify unequal but compensatory distributions of education resources that might potentially lower minority drop-out rates and raise minority test scores to those of whites (Armor, 1995).

Finally, there are certain goods that are essentially non-material and non quantifiable, yet very important to everyone involved. Freedom of choice was one such good that was, of course, emphasized by white opponents of mandatory busing, but many minorities also placed great value on being provided "choice." Self-esteem was another such good, one that was emphasized by several blacks. From their perspective, the pursuit of racial balance, with its underlying message that blacks constituted a "bad," undermined a situation where blacks felt as much self-worth as whites, and a multicultural curriculum that emphasized black history furthered a situation where black self-esteem was promoted. Clearly both freedom of choice and self-esteem are goods that people feel strongly about, and when they believe that these goods are denied to them, they are unlikely to regard the receipt of other goods as just compensation for these deprivations.

In summary, as any economist would declare, many goods are involved in the distribution of educational opportunities and people value these different goods differently. Whenever political decisions are made that distributes these goods, people will have different perceptions of the justice or injustice of the distributions, based not only on what they have received but

on the value they attach to what is distributed. No school desegregation decision will be consensually embraced as just.

A second underlying issue that affects people's sense of justice about specific desegregation decisions concerns the unit which they believe should be emphasized. Even if a just distribution of goods is achieved across schools within a district, it did not follow that officials regard the situation as just. In our interviews, people often focused on inequities between their district and adjacent districts, as did those in Kansas City and Baltimore. Indeed, they normally believed that their districts had so many problems and so few resources to deal with these problems that they were relatively unconcerned with inequalities within their districts. In these situations, justice required a much different and larger approach than they could mount through their own decisions. It required desegregation policies involving the entire metropolitan area, an approach that the Supreme Court has severely limited through its *Milliken v. Bradley* decision regarding the Detroit schools in 1974 and its more recent attack on Kansas City's "suburban solution" to its intra-district problems. Or it required that state legislatures pursue state finance reform intended to equalize the resources available to schools in impoverished and affluent areas, approaches being pursued in California, Minnesota, and Texas in recent years.

Still other officials implied that the units to equalize were various areas of the city -- areas larger than the boundaries of specific schools. This concern was especially prominent in the complaints of various busing plans. In Seattle, Pasadena, and Austin, board members discussed the injustice that minority-impacted schools were largely paired with white-dominated schools in one section of the community while other white sections failed to participate fully in the desegregation plan. In San Jose, officials worried about the unfairness that more children in the central part of the city ended up being bused than those in the southern part of the city. In Providence, it was suggested that buses were routed so that the longest rides were imposed on children in poorer housing projects in one section of town while children in more affluent areas were the last to board the bus in the morning and the first off the bus in the afternoon. The concern about unfair distributions across various sections of the city also extended to access to desirable programs and facilities. In Orlando, officials worried that the newer subdivisions had new and better buildings than older neighborhoods. The Minneapolis plan of creating three districts, each with their own specialized programs and magnet schools, was intended, in part, to provide equal access to such types of schools by persons in various sections of the community.

Still other officials were concerned that even if distributions across sections of the community and across schools were fair, those within schools were not. For example, the person hired to monitor the San Jose desegregation plan argued that the presence of segregated classrooms within integrated schools provided an arrangement for continued racial injustice. And even within integrated classrooms, injustices occurred if there were clear differences in teacher treatment of minority and white students, as was alleged to be the case in Austin.

To some extent there may be trade-offs between achieving justice across larger units and achieving it within smaller units. For example, metro-wide desegregation plans may help equalize the educational resources available at

different schools within the metropolitan area, but the plans may require treating blacks and whites in the same neighborhood unequally: one injustice of attracting white suburban students to the magnet schools in Kansas City was that they received priority placements over minorities within the district.

Because people focus on different goods and different units when they think about the fairness of desegregation policies, it is difficult and perhaps impossible for policy makers to reach decisions that are universally regarded as just. In a more formal treatment of this problem, Douglas Rae and his colleagues (1981) show that the pursuit of equality -- in the abstract so simple -- becomes extraordinarily complex and difficult in practice because of the many meanings that can be given to equality in particular circumstances. They show that "one can without hypocrisy struggle toward equality while struggling against it" (Rae, 1981: 3). Our analysis thus far confirms this with respect to desegregation policy. Achieving equality with respect to one good (such as racial balance) requires imposing inequalities with respect to other goods (such as freedom of choice). Achieving more equality at a larger unit of observation (the metropolis) may entail creating inequalities at a smaller unit of observation (the classroom). Yet, when one turns from concerns about equality to concerns about justice, the problem becomes even more acute -- because equality is only one dimension of justice. If justice most generally requires treating equals equally and unequals unequally, then perceptions about the fairness of particular policies will also be riddled not only with different ideas about the concrete meaning of equality in these circumstances but also with different ideas about the meaning of just inequalities in these circumstances. To paraphrase Rae, "one can without hypocrisy struggle toward justice while struggling against it." Indeed, given the various principles of justice that are applicable to concrete circumstances, it may be impossible to avoid such difficulties. A review of the various policies that have been pursued to achieve "just schools" (Kirp, 1982), confirms that -- from the perspective of policy makers, if not from that of more focused social philosophers -- each policy option conforms to some conception of justice while undermining another conception of it.

Two-way mandatory busing. The most prominent philosophical justification for extensive busing programs is probably John Rawls' difference principle, although no policy maker explicitly mentioned his theory. Rawls (1971) claims that primary social goods are to be made equally available to all unless an unequal distribution benefits the least advantaged and are available under conditions of fair equal opportunity. Educational resources are clearly a primary social good and thus should be equally distributed unless a disadvantaged groups benefits from inequalities. While Rawls normally defines "disadvantaged groups" in economic class terms, he also recognizes that certain situations make race (as well as ethnicity and gender) relevant (Rawls, 1971: 96-99). Two-way mandatory busing was clearly aimed at making educational resources equally available to minorities and whites, and it attempted to make equal the burdens and inconveniences of being bused. Many whites view busing as unjust because they experience a decline in their shares of educational resources and an increase in the burdens and inconveniences of increasing the educational resources available to blacks. Such deprivations are, however, irrelevant from a Rawlsian perspective because the previous greater shares available to whites were unjustified. All that Rawlsian justice requires is that the least-advantaged (minority students) be made better off. None of those whom I interviewed

doubted that the "representative" minority student had access to more and better educational resources as a result of mandatory busing programs. But some questioned whether that representative minority student was made better off overall, once one factored in their burdens (e.g., time spent on the bus, the indifference or, worse, the hostility they encountered in their new settings from white classmates and teachers). Others questioned whether the representative minority student was made better off in terms of educational attainment, making this one of the most researched questions evaluating the fairness, as well as the effectiveness, of busing (see, for example, Crain and Mahard, 1983: 839-59). Even though desegregation programs have not closed the educational achievement gap between blacks and whites (Armor, 1995), the dominant finding that busing has had positive affects on the standardized test scores of minorities is thus a major argument for its fairness, from a Rawlsian perspective.

Nevertheless, mandatory busing is widely regarded as unjust because it violates other precepts of justice -- such as those held by utilitarians, libertarians, and feminists. Persons with utilitarian principles question whether mandatory busing serves the greater good or the greater number. While none of my interviewees offered a "felicific calculus" showing how the bads outweighed the goods of the policy, when summed for all citizens of a community, the problem of white flight served as a constant reminder that mandatory busing had great negative affects for the community as a whole. By denying parents the right to have their children attend their preferred neighborhood schools, mandatory busing, of course, violated the most fundamental justice principle of libertarians: "From each as they choose, to each as they are chosen" (Nozick, 1974: 160). And by imposing a general policy that was preoccupied with the overall numbers achieved, proponents of mandatory busing were accused of forgetting the concrete person -- "that little five-year old Hispanic girl who had to ride that bus three hours a day away from her home into a fearful new environment." Insofar as two-way busing proponents put abstract ideals above the concerns of concrete persons, they violated "the ethic of care" espoused by many feminists (Tronto, 1993).

Limited Busing. Given the perceived injustices with mandatory two-way busing, some districts utilized busing policies that were more limited in scale. Perhaps the most just improvement along these lines was achieved in Minneapolis. Its plan called for two-way mandatory busing, and was thus subject to the various positive and negative evaluations outlined above. But by imposing its busing program on a decentralized scale, it reduced the burdens and inconveniences of time spent on the bus itself. By reducing burdens, such a program better satisfied utilitarian conceptions of justice, but libertarian and feminist objections remained unanswered.

A second limited busing option that has been utilized is the "one-way" strategy adopted by Providence, Atlanta, and Austin early in their desegregation sagas. Such busing was often seen as superior to two-way busing on utilitarian grounds. It increased educational opportunities for the bused minority students, and it provided some benefits of racial mixing in previously white schools. By not requiring that whites be bused into minority-dominated schools, one-way busing alleviated the fears of white parents that their children would receive fewer and inferior educational resources and that their educational performances would decline. As a consequence, one-way busing produced less white flight -- and fewer costs

associated with white flight -- than two-way mandatory busing. However, such utilitarian defenses of one-way busing could not appease those with different justice concerns. From a Rawlsian perspective, one-way busing did not assure that the "representative" minority student was better off. If the level of busing only produced sufficient racial mixing to integrate white schools, most minority students could remain in minority-dominated schools, and without white fear of having their children attend them, such schools could continue to contain fewer educational resources. Moreover, one-way busing violated purely egalitarian justice concerns. Racial differences in "freedom of choice" were evident in any policy where black students were assigned to white schools, but where white students were not assigned to black schools. Racial inequalities in the burdens of being bused were also a main injustice complaint against such one-way busing plans.

A third limited busing option has emerged in connection with the development of magnet schools. Providing and paying for transportation is an important part of the inducements that school boards provide to attract white students to magnet schools in predominately black neighborhoods. I will discuss perceived justices and injustices of magnet schools below; our concern here is only with the busing aspect of these desegregation efforts. Insofar as such busing is voluntary, few charges of injustice have been levied against it. Nevertheless, one minority school board member in Kansas City believed justice would be better served by using the money spent on such busing programs to make the inner-city schools more attractive to black students, reducing their drop-out rates. Additionally, the recent *Missouri v. Jenkins* ruling suggests that the Supreme Court believes it unfair to ask the citizens of Missouri to pay for a busing program whose purpose is to achieve a result (enhancing minority performances on achievement tests) that is beyond the required remedy for past discrimination. Thus, even this relatively limited and voluntary busing program, intended as a partial rectification of past injustices, cannot escape criticism for contributing to other forms of injustice.

Closing Black Schools. A policy related to busing -- especially the early one-way busing strategies employed in Atlanta, Austin, and Providence -- was to close the predominately black schools and to bus their students elsewhere. Such policies received relatively few criticisms if the facilities to be closed were unsafe, outmoded, or clearly inferior to other schools in the district (but even here, one person noticed that it was important not just to close the building but to demolish it, for boarded-up schools served as a constant reminder to blacks of their inferior place in society). The closing of minority schools received more criticism when the cause was declining enrollments, a phenomena that sometimes sparked administrators to close schools based on utilitarian (cost-benefit) calculations. Even if per pupil costs were relatively high in such schools, advocates of social justice argued that utilitarian concerns should yield to compensatory ones; they argued that such schools provide districts an opportunity to establish lower pupil-teacher ratios that could enhance minority educational attainment. The closing of minority schools received even more criticism if the purpose was simply integration -- "to disperse black kids to the winds." Criticisms that such schools often served as an important part of the social infrastructure of black communities, that they were a source of black pride and belongingness, and that they instilled important values into black students all reflect communitarian concerns that

justice requires encouraging young people to adopt values that conform to the traditional values of communities and sub-communities (MacIntyre, 1990).

Sixth-Grade Centers. During the mid-70s, Austin adopted integrated "sixth grade centers." Because Austin was the only city in our sample to do so, I have few interviewee perceptions of this tool to report. However, proponents of minority educational achievement saw this device as tokenism; in their view, such centers were created to give the impression that integration was valued, but such centers could not compensate for the segregated schools that were maintained in neighborhoods for K to 5 students and that resulted in educational disparities by the time students were bused from throughout Austin to these centers. At the same time, proponents of neighborhood schools viewed this arrangement as an infringement on their choices -- especially if the elementary school in their neighborhood was set aside as the sixth-grade center, requiring that their children to sent to another, more distant, elementary school.

Redrawing Boundaries. To some extent, school districts in each of our cities considered the racial mixture of students when establishing boundaries among schools. While some districts gerrymandered boundaries prior to 1970 to maintain segregation, our concern here is with those districts that attempted to create more equal percentages of minorities across schools by redrawing boundaries. As shown by Salt Lake City's experience with this policy in the early 80s, this can be a highly conflictual policy to pursue due to strong emotional ties to particular schools and due to fears about being cut off from friends, familiar teachers, and educational expectations. Boundary changes create perceptions that some students in "the best schools" will be assigned to "an inferior school," creating two kinds of injustice in the minds of those who receive such assignments. First, their treatment seems inequitable compared to that of their friends and acquaintances on the other side of the new (and arbitrary) boundary who get to stay. Second, their "legitimate expectation" (Elster, 1992: 244) that they could continue to attend "the best school" is dashed. While purchasing property in a given neighborhood has never provided parents with a legal right to send their children to the schools designated by current boundaries, past practices nevertheless create expectations that influence where people choose to reside. Particularly dangerous in this regard is the practice of constantly changing boundaries so that students in the same household are expected to (re) establish themselves at different schools on several occasions. Not knowing what to expect in terms of boundaries created the kind of instability that exacerbated white flight in Pasadena. Such perceptions of injustice suggest that redrawing boundaries is a limited tool for enhancing minority educational attainment, one that can best be used as part of a broader desegregation plan that reassures displaced students and their parents.

Reallocation of Resources. Few districts contemplated policies to equalize the educational opportunities of minority and white students by simply reallocating resources away from white schools and infusing these resources into black schools. Some cities did adopt teacher reassignment policies with the hope of achieving a more equal allocation of more experienced white teachers throughout the district. But such policies encountered three forms of resistance that limited the effectiveness of the policy. First, teacher choices had to be considered, and involuntary reassignment was resisted as an injustice by teachers. Second, especially

early in the desegregation experience, white parents feared the assignment of "incompetent" black teachers into their children's schools, enhancing white flight. Third, in more recent times, blacks have viewed black teachers -- especially black men -- as particularly valuable and scarce resources that they want concentrated into primarily black schools. It is believed that the black male teacher is both able to create a more disciplined environment and provide black boys with the kinds of mentors and role models they require. In this view, reassigning teachers to create equality among schools in the kind of teachers they have is counterproductive to enhancing minority educational attainment.

With respect to other resources, redistribution among schools is either physically implausible, political difficult, or morally problematic. Dismantling better facilities in white neighborhoods was unthinkable; it was only possible to build better facilities in minority neighborhoods. While books and computers could be transferred, such transfers were often thought to violate the precept of allocating such goods on the basis of need. As one board member pointed out, some schools have different levels of library and computer resources, not because the board originally favored one school over another, but because principals and PTA committees made site-level determinations about needs at particular schools. If a black school spent discretionary funds on child care for teenage mothers while a white school spent its equal discretionary dollars on computers, should the computers in the white school be transferred subsequently to the black school? Not only would such decisions cause a political furor, but it is doubtful that justice requires equality in this instance. Different allocations based on different needs is widely understood to be a central justice precept -- and not only by Marxists (Schumaker, 1994: 28-30).

Enhancement of Resources. If the primary benefit of busing is to create conditions for distributing educational resources equally among schools, but if it is physically implausible, politically difficult, and ethically problematic to redistribute existing resources, then the most obvious solution is to enhance the resources at predominately minority schools, bringing them up to the level of white schools. This solution certainly occurred to board members in each of our cities, and most regarded it as the optimal policy to use in pursuit of equal educational opportunities for minorities. In general, three different resource-enhancement programs can be identified.

(a) Remedial local enhancement. In Atlanta and Pasadena, school boards decided to target black areas for new school construction, to place predominately black schools at the top of priority lists for renovation and maintenance, to enhance their supply and equipment budgets, and to examine and correct inequalities in the distribution of experienced teachers and in pupil-teacher ratios. Their goal was to make previously unequal educational resources equal, at least as far as local expenditures were concerned. Beyond local spending, however, these districts thought that justice would be served by allocating state and federal funds to schools with the most minority, poor, and at-risk students. Of course, most federal funds (such as Title 1) and many state programs (such as bilingual education) were clearly designed to be unequally allocated and targeted to disadvantaged students. By disproportionately allocating federal and state funds to minority schools, boards enhanced the educational resources available in these schools -- particularly in the form of special education teachers and programs -- to

levels exceeding that of white schools. Such inequalities were generally viewed as just, based on the precept that justice involves unequal distributions based on unequal needs and on the understanding that at-risk minority students have greater educational needs than those from more affluent white homes. Board members found few injustices with these programs, though some questioned their effectiveness.

(b) Compensatory local enhancement. In Austin, the school board created a "priority school" program that involved not only equal but superior treatment of predominately minority schools in the allocation of local funds. Most notably, the program involved giving minority schools more teachers than white schools, so that minority students enjoyed lower pupil-teacher ratios than whites. While white board members argued that such compensatory policies represented a genuine desire to enhance minority educational attainment, some minorities viewed this program as a political expediency to purchase minority support for resegregated schools. Minority board members did not reject the idea that, in the short run, minority students would be well served by the additional resources, but they viewed these resources as vulnerable in the future, once whites had retreated into white schools and resources became scarce. In such circumstances, minorities would have little clout to withstand having their compensatory funding cut.

(c) Magnet schools. The premise behind magnet schools is to enhance resources at schools within minority neighborhoods to levels beyond remediation for purposes that extend beyond compensation. The infusion of resources into magnet schools has taken many forms. New state-of-the art buildings have been constructed. Extensive and elaborate computer facilities have been installed. Olympian-quality recreational facilities have been developed. After-school opportunities have been extended. Specialized programs taught by well-trained teachers have been offered. Such educational resources serve two purposes. First, they provide minority students access to educational resources that were previously lacking in segregated schools. Second, they attract white students from outside the immediate neighborhood, creating the educational benefits of racial integration and enhancing political support among whites for compensatory funding of such schools offering new opportunities for white, as well as minority, students. Because of such attractions, most cities in our sample experimented, at least to some degree, with magnet schools. From the perspective of school board members, such schools contained few injustices. They were voluntary. They improved the educational opportunities available to the representative minority student. They helped reduce white flight and thus helped the city retain its tax base, which, in turn, helped secure future educational resources for all students. But such libertarian, Rawlsian, and utilitarian benefits did not insulate magnet schools from other justice concerns. From a purely egalitarian perspective, magnet schools are unequal. The presence of a spectacular magnet Central High School in Kansas City can only amplify the lesser resources available at other Kansas City high schools which do not qualify as magnets. Spaces in magnet schools can be scarce, and their integrative purposes mean giving priority to white students. Admissions policies that give priority to students living closer to the school may be regarded as unjust to those living more distant to it. First-come, first-serve policies may work against the least-advantaged minority students who fail to have the information and motivation to pursue magnet opportunities. Magnet schools may stress the kind of curriculum that serves business interests, that

attract white students, and that thus ignore the kinds of multicultural courses which excite black students.

Financing magnet schools creates still other justice concerns. To what extent should those outside the district be expected to contribute to such facilities? What are the fair tax burdens that can be imposed on citizens within the district? How important are educational resources compared with other community needs? While school board members normally assume liberal responses to these questions, they are challenged by those having other ideas about the demands of justice. In short, most school board members believe that minority educational opportunities are furthered by generally enhancing educational resources in minority neighborhoods and specifically by building magnet schools, but they recognize that while these policies generally further social justice, they can also diminish social justice -- at least as some people understand that concept.

III. Policy-Making Processes for Responding to Multiple Justice Precepts

In a recent analysis of policy alternatives regarding minority educational attainment, Christine Rossell (1993) argues that achieving policy goals is dependent on characteristics of the policy making process. She delineates two dimensions of the policy processes that can affect policy success. The first "policy formulation" dimension concerns the basic method to be employed in decision making. At one terminus of this dimension is "the rational comprehensive ideal" in which goals are delineated, alternative methods of goal-attainment are identified, the costs and benefits of each alternative analyzed, and the most efficient alternative is selected. At the opposite terminus is the "incremental model" in which problems with current practices are identified, reforms are proposed, limited understandings of the effects of proposed reforms are considered, the views of conflicting interests are negotiated and compromised to achieve a short-term adjustment, and decisions are revisited and incrementally altered on a continuous basis. The second "compliance" dimension concerns the implementation of policy. At one terminus of this dimension is "command-and-control" regulation; goals are sought largely through extensive regulations that contain clear directives and standards and impose clear penalties for those who fail to comply with regulations. At the opposite terminus is "choice" or the creating of market-like incentives that encourage self-interested actors to voluntarily act in a way that is consistent with policy goals. She argues that comprehensive desegregation plans employing command-and-control compliance methods have been failures when judged by the standards of efficiency, effectiveness, political feasibility, and equity (her term for fairness or justice). She also argues that "freedom-of-choice" plans lacking extensive public constraints on choices fail to offer adequate levels of efficiency, effectiveness, political feasibility, and equity. She concludes that the most efficient, effective, feasible, and equitable approach is one that is derived from incremental policy formation processes and that provides constrained choices that minimize the problems of command-and-control approaches. Magnet schools, according to Rossell, exemplify the policies that are derived from such processes.

In several ways, the views of school board members reported here confirm Rossell's analysis. While Rossell finds that magnet schools fare well in terms of multiple evaluative criteria, school board members believe that

magnet schools are relatively effective at satisfying multiple justice concerns. While Rossell finds that command-and-control compliance mechanisms have failed to desegregate schools, school board members believe mandatory two-way busing has various elements of unfairness, as well as having other problems. While Rossell finds that school desegregation eludes comprehensive rationality in policy making, school board members believe that policies in this area are heavily value-laden and involve competing justice concerns, are fraught with unforeseen consequences, and may require revision as new understandings and concerns are injected into the policy process.

Nevertheless, the perceptions of school board members suggest certain modifications of Rossell's conclusion. First, they do not regard magnet schools as some sort of optimal solution, as implied by Rossell. Instead, magnet schools are simply one of several tools and approaches to achieving more equal educational opportunities for minorities. When magnet school plans are adopted, the enhancement of minority educational attainment requires attention to many details of the plan, such as creating admission and assignment policies that are fair to minorities and ensuring equal treatment of whites and minorities within the magnet schools. Additionally, magnet school plans may have to be supplemented with infusion of funds to minority schools that are not magnets, with extensive programs in special education and in other areas sensitive to minority needs, and with multicultural curricula.

Second, the perceptions of school board members suggest some revision of Rossell's prescribed policymaking process. Board members would not disagree with the very general conclusion that "the greatest success seems to be achieved by relying to some extent, but not completely, on the 'invisible hand of the market'." (Rosell, 1993: 177). But their strong reservations about "freedom of choice" plans like unconstrained voucher systems (Schumaker and Kelly, 1994: 21) suggest their support for more authoritative compliance mechanisms than implied by Rossell. In general, school board officials insist that "choice" policies have extensive and clear constraints that protect the "public" aspects of public school curricula and educational opportunities available to disadvantaged children. Doubting that the "invisible hand of the market" will provide such protections, they prefer policy processes that provide some choice within clear regulations rather than some regulations on extensive choice in the "compliance" dimension of the policy process. Board members also have reservations about Rossell's embrace of incrementalism on the policy formulation dimension of decision making. Its not that board members believe that policymaking in the desegregation area should be more rational, relying more on cost-benefit analyses of policy alternatives. Its rather that board members believe that policymaking should be more comprehensive; like Hochschild (1984), there is some recognition by board members that desegregation involves a comprehensive plan, built not on economic analysis but rather on the multiple concerns of all actors involved. The desegregation plan in Minneapolis succeeded because of its comprehensiveness and the retention of all elements of the plan over an extended period of time. The desegregation plans in Pasadena and Austin were less comprehensive and such plans were incrementally modified and abandoned, leading to failure, at least as measured by the more extensive dissatisfaction expressed about the desegregation processes in these cities. In short, the perceptions of school board members suggest that the best policymaking processes for achieving equal educational opportunities lie in the center of Rossell's policy formation and compliance continuums; without

relying on synoptic rationalism and without imposing too many restrictions on choice, they would not rely on market-mimicking mechanisms and incrementalism.

It is beyond the scope of this paper to define precisely the best policy process for achieving fair equal opportunity in education. But I will conclude by arguing that the views of school board members imply a rejection of "administrative" and "market" policy making models, and they suggest some characteristics of a more just and democratic "political" policy making model.

An "administrative" policymaking model combines what Rossell calls the rational-comprehensive aspects of policy making with the command-and-control aspects of policy implementation. The most simple and extreme application of this model with regard to school desegregation would be for a Court to establish a single goal such as racial balance, to determine that the most cost-effective approach to achieving that goal was mandatory cross-town busing, and that extensive penalties would be imposed on a district failing to meet the racial targets established by the court. Such a model has achieved only the most narrow conception of justice -- an equal distribution of racial groups across schools -- and is ill-constructed to take into account a broader array of justice concerns that inevitably arise in desegregation cases.

A "market" policy making model (like incrementalism) recognizes the limits of collective rationality, and thus emphasizes the use of the market to register individual choices as guides to policy making. The most simple and extreme application of this model with regard to equal educational opportunity would be to provide (the parents of) each student with vouchers of equal value that could be redeemed at whatever school best satisfies the educational preferences of voucher-holders, subject only to the most minimal constraints, such as each school being publicly chartered and its not discriminating against applicants on the basis of race (Chubb and Moe, 1989). This policy making model also can achieve justice in only the most narrow sense -- that of giving each student an equal <u>formal</u> choice as to which school they can attend. Libertarians might equate justice with such equal choice and thus applaud market-mimicking policy processes for determining which schools attract students and thrive in the educational marketplace, but those with other justice concerns would doubt that the market model can achieve utilitarian concerns for educating students in the public interest, communitarian concerns for furthering collective values, or Rawlsian concerns for providing fair equal opportunity for minorities (Henig, 1994). As school board members repeatedly pointed out, without extensive constraints on choices, wealthy white parents would augment vouchers with private funds, exclusive academies would emerge partially subsidized by public funds, the non-economic and collective (democratic and integrative) values that public schools further would be under-supplied, and the real choices available to minority students over time would be among schools with educational resources that were are inferior to those available to students with access to more economic resources.

A "political" policy process is intermediate to these administrative and market policy processes. Its formulation process involves aspects of both rational-comprehensiveness and incrementalism. It is rational in that certain goals -- such as the priority of providing fair equal educational opportunities

-- are consensually embraced, and all policy alternatives must be evaluated on the basis of their ability to achieve this central goal. But it is incremental in that other goals -- such as providing choices among educational programs -- are recognized. Policies that best achieve the main goal but that undermine other goals may be set aside in favor of policies that satisfactorily approach the main goal while simultaneously achieving other goals. It is comprehensive in that a broad array of educational issues and policies are examined with the view of satisfying the diverse goals and principles of as many people as possible. Comprehensiveness allows concerns about some aspect of a policy alternative to be alleviated through supplementary policies. While administrative processes emphasize technical analyses of the costs and benefits of policy alternatives, and while incremental processes emphasize the assertion of immediate interests and the application of power resources to protect or further these interests, a political process is primarily "deliberative" or "discursive" (Dryzek, 1990). It involves "communicative rationality" so that persons with different interests and principles come to understand each other and search for solutions that satisfy each party's fundamental interests and principles.

A political policy process also involves aspects of both (administrative) compulsion and (market) voluntarism. It recognizes the "costs of compliance" with administrative implementation processes that emphasize social control and mandatory regulations (Stone, 1989: 222-26). Resistance to compulsory busing and school assignments have taken the form of violence, of white flight, and of incremental policy efforts to undermine the original goals. Efforts by political authorities to force compliance with regulations have been costly in terms of reducing the legitimacy of the regime, of losing access to the economic resources of those who flee from its control, and of creating opportunities for opponents to reverse policy gains. As a consequence, a political process is more attentive than an administrative process to the costs of compliance with mandatory regulations and seeks to minimize their oppressiveness. A political process is, however, different than a marke one, where what people get and do are simply functions of voluntary exchanges. It recognizes that voluntary choices do not automatically solve public problems or achieve public goals through the "hidden hand" of the market. Some aspects of education are public goods, and public goods are under-produced by voluntary exchanges in the market. Some private choices can adversely affect the public and thus need some restraints. Some choices are only nominally available to the weak if the choices of the strong are unrestrained. A political process provides certain restraints on choices so as to achieve public goods, to avoid negative externalities of free choice, and to provide more equal choices in practice to all. Thus, a political process strives to create compliance with its policies by giving people choices that they find acceptable but which stimulate people to make choices that achieve political goals.

A political policy process is one that utilizes collective and collaborative power rather than the authoritative domination by a single power center or the more invisible control that arises from the influence of many individuals pursuing their own preferences in the market. We normally understand power as domination, as "power over" (Stone, 1989: 219-33; Wartenberg, 1990). Administrative policy processes exemplify power as domination, because their hierarchical structures authorize those at the top to impose their will on subordinates. Many desegregation plans resulted from the application of

power as domination, and such approaches were defective both because they were insufficiently open to the multitude of legitimate concerns that various publics had about the plans and because they ignored the costs of achieving compliance with authoritative plans. In contrast, a political process tries to incorporate as many legitimate concerns as possible and it attempts to limit the costs of compliance.

A political process also seeks to contain or limit the more subtle forms of power that arise in an unregulated market. A market creates goods that reflect not just what people want; it reflects effective demand -- what people want and what they can afford. What people want reflects what they are induced to want by those who have the resources to influence preferences. What people can afford reflects their economic resources. As a result, what the market produces reflects the distribution of money (Cohen and Rogers, 1983: 47-87). In the realm of educational policy, this means that a market-minicking policy process based on voluntary exchanges would produce educational programs that reflected the desires of those "producers" and "consumers" with the most money, rather than legitimate power of those "citizens" commanding the best understandings of the issue who are able persuade others in the community that certain educational arrangements are just and best serve the public interest (Walzer, 1993: 304).

In short, a political policy process reaches decisions not through the application of power as domination nor through the power that arises from the inevitable role of money in market transactions. Instead a political policy process reaches decisions through collaborative and deliberative applications of collective power (Arendt, 1970). In such a process, power is employed as "power to" create a "publicly significant result" (Stone, 1989: 227). Collective power arises out of a willingness among various actors to address problems, to develop mutually-acceptable policies and programs that they believe can address these problems, and to apply enough of the political resources that they command to implement these policies. Although the number of actors who must cooperate to achieve a result can be very small in distributive policy areas, they must be large in the highly visible and significant area of educational policy. A coalition containing groups that represent many interests and principles must be assembled to achieve collective power and enact policies that enhance equal educational opportunities for minority students. The diversity of such a large coalition requires extensive collaboration. Groups within the coalition cannot be induced to collaborate unless they believe that their primary interests and principles are considered, protected, and --at least to some degree -- promoted. Collaboration thus involves lengthy deliberation among disparate actors which initially achieves understanding of each others interests and principles and which eventually produces a plan that embodies in some policy or program the core interests and principles of each group.

Finally, a political policy process does not pursue a single justice principle. Administrative processes can elevate a single justice precept to the status of overriding goal, and then use comprehensive planning to determine the policies that best reflect that justice principle and employ dominating power to implement these policies. But such processes are not well suited to reconcile competing justice precepts that are brought to bear on educational policy issues. Market processes either subordinate justice principles to other concerns like freedom, stability, and efficiency (Hayek, 1982) or they identify

freedom of choice as the dominant precept of justice (Nozick, 1974). In either case, such processes are ill-suited to reach decisions that reflect other justice concerns. But a political process is one which acknowledges the many justice concerns that people have. Some people enter the educational policy process as committed utilitarians; others as Rawlsians; others as communitarians; others as libertarians; and others give priority to other distinct justice principles. Most people, however, enter the educational policy process having some attachment to each of a variety of justice precepts, only dimly aware of the conflict among these precepts and lacking assurance about which precept is most relevant to the case at hand (Anderson, 1989). A political policy process is one where people articulate their various justice concerns, and seek a set of policy solutions that satisfies these various concerns. To achieve more equal educational opportunities for minorities, Rawlsian principles seeking to improve the position of the least advantaged will clearly be relevant. But other justice concerns will have to be heard and incorporated into a comprehensive plan that can command the support of large coalition of groups that collaborate among themselves to address deficiencies in educational resources available to minorities.

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